

State of Washington  
Department of Ecology  
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY	)	
MR. NEIL SHENYER REQUESTING A CHANGE IN THE	)	
PLACE OF USE AND POINT OF DIVERSION OF WATER	)	Emergency Drought
USE UNDER SURFACE WATER CERTIFICATE 1047	)	Change Authorization
	)	

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

**Background**

On April 17, 2001, Mr. Neil Shenyer filed an application to change an existing water right in Okanogan County to property owned and farmed by Mr. Victor C. Bailey in Douglas County. Shenyer lands in Okanogan County are irrigated from the Methow River under existing non-interruptible water rights. The Bailey lands in Government Lot 7 of Section 36, T. 30 N., R. 23 E. W. M. in Douglas County are irrigated from the Columbia River (Wells Pool) with existing water rights that are subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563.

This drought emergency change application is seeking to transfer existing Methow River water rights approximately 9 miles downstream to the Columbia River near Pateros to provide for non-interruptible irrigation of 11.5 acres of lands irrigated by Mr. Bailey from the Columbia River (Wells Pool).

WAC 173-166-080 allows the state to authorize temporary transfers of irrigation rights provided the acreage on the second parcel does not exceed the acreage reduction on the first parcel.

**Surface Water Certificate 1047**

The water right proposed for change under this emergency drought change application is an 11.5 acre portion of surface water certificate (SWC) 1047. SWC1047 authorizes the diversion of 0.56 cubic feet per second from the Methow River for irrigation of 40 acres located within Government Lots 8 and 9 and the Oregon Mining Claim of Section 18, T. 30 N., R. 23 E. W. M. The instantaneous diversion water duty under SWC1047 is 0.014 cubic feet per second per acre irrigated. A total annual (acre-feet) per acre water duty was not specifically identified in SWC1047. The crops currently irrigated under SWC1047 are hay and pasture. Reasonable annual diversion water for this area is 4.0 acre-feet per acre.

**The Bailey Property**

It is proposed to transfer 11.5 acres of the irrigation rights covered under SWC1047 to provide non-interruptible irrigation water for the 11.5 acres of land irrigated by Mr. Bailey located within Government Lot 7 of Section 36, T. 30 N., R. 23 E. W. M. Mr. Bailey has historically irrigated the 11.5 acres under water right certificates S4-26684C and S4-29264C.

Certificate S4-26684C authorized diversion of 0.50 cubic feet per second from a point on the Columbia River (Wells Pool) located within Government Lot 1 of Section 1, T. 29 N., R. 23 E. W. M. for irrigation and frost protection for 8.5 acres. The authorized annual quantities are 34 acre-feet per year for irrigation and 4 acre-feet per year for frost protection.

Certificate S4-29264C authorized diversion of 0.49 cubic feet per second for irrigation and frost control for 3 acres from 2 points on the Columbia River (Wells Pool) located within Government Lot 1 of Section 1, T. 29 N., R. 23 E. W. M. and Government Lot 3 of Section 36, T. 30 N., R. 23 E. W. M. The authorized annual quantities are 12 acre-feet per year for irrigation and 3.9 acre-feet per year for frost control. Mr. Bailey is currently diverting from only the point of diversion located in Government Lot 1 of Section 1, T. 29 N., R. 23 E. W. M., which is the same point of diversion used under certificate S4-26684C.



Water is also diverted by Mr. Bailey from this point of diversion under (non-interruptible) water right certificate S3-00481C for irrigation of 30 acres located within Government Lot 1 of Section 1, T. 29 N., R. 23 E. W. M.

#### Conclusions and Decision

This transfer will ensure the 11.5 acres of orchard irrigated by Mr. Bailey in Government Lot 7 of Section 36, T. 30 N., R. 23 E. W. M. will not be interrupted during the 2001 irrigation season. The transfer will also benefit the stream flows of the Methow River in the approximately 9 mile reach between the point of diversion of SWC1047 and certificates S4-26684C and S4-29264C. Authorizing these changes of water rights will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 11.5 acres of irrigation under SWC1047 to property described as follows:

That part of Government Lot 7 of Section 36, T. 30 N., R. 23 E. W. M., Douglas County, Washington, further described as follows:

Beginning at the southeast corner of said Section 36, a brass capped monument, and the true point of beginning; thence north 00°10'40" east 800 feet; thence north 58°45'31" west 529.87 feet; thence south 64°48'11" west 718.25 feet; thence south 88°23'30" west 483.06 feet to the boundary line of the Wells Hydroelectric Project; thence following said boundary line in a southerly direction to its intersection with the south section line of Section 36; thence north 88°23'30" east 1461.11 feet, more or less, to the true point of beginning.

The point of diversion shall be located within the Government Lot 1 of Section 1, T. 29 N., R. 23 E. W. M.

An instantaneous diversion rate of 0.161 cubic feet per second (72.3 gallons per minute) and up to a total volume of 46 acre-feet is authorized for use on the property.

#### The following provisions shall apply to this change authorization:

A map of the place of use of the 40 acres authorized under surface water certificate 1047, showing the 11.5 acres that will not be irrigated this season shall be submitted to the Central Regional Office of the Department of Ecology within 15 day of receipt of this temporary change authorization.

A measuring device approved by the Department of Ecology must be installed on each diversion prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

This drought emergency authorization expires on October 31, 2001.

REPORT BY: Sam Bailey DATE: 5/3/2001  
Samuel W. (Sam) Bailey

APPROVED BY: [Signature] DATE: 5/3/2001  
Robert F. Barwin, Section Manager

SWB:gg  
010501

Enclosure(s):